

***United States Court of Appeals
for the Second Circuit***



MEMORANDUM

UNITED STATES COURT OF APPEALS
Second Circuit

77-6126

IRA G. JAFFESS,

Plaintiff-Appellant

- v. -

L. J. SCHAFFNER, Director, Health Records
Division, Bureau of Medicine and Surgery,
Department of the Navy, and SECRETARY OF
THE NAVY,

Defendants-Appellees

Docket No. 77-6126

77 CIV. 1987 (WK)

MEMORANDUM TO THE COURT IN LIEU OF BRIEF

Plaintiff is appealing to this Court because Judge
Whitman Knapp, U.S.D.J., has failed to rule on two
Constitutional points of law.

I. Whether or not under the Privacy Act the Navy Department
is in violation of the Constitution in its regulations
pertaining to the implementation of the Privacy Act,
i.e. SECNAVINST 5211.5A, at #6a(5)(e) (41 Fed. Reg. 50661).
The above provision provides that a citizen seeking his
naval medical records may be obliged to have these records
sent to a intermediary physician and not to receive these
records directly. Plaintiff points out that this procedure
violates his privacy as defined by the Constitution and by
the Privacy Act itself.

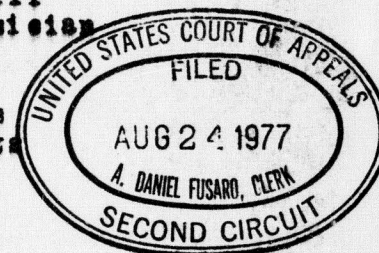
II. The Constitution provides that all individual citizens
have the right to Freedom of Association. The Plaintiff
is not obliged to hire, know, or associate with a physician
or any other member of the medical profession.

Plaintiff requests this Court to reverse Judge Knapp's
Order and find for the Plaintiff against the Defendants
in the sum of \$100,000.

Respectfully, etc.

Ira G. Jaffess

Ira G. Jaffess, Pro Se.



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Robert B. Fisk Jr.
UNITED STATES ATTORNEY

8/18/77

Marion F. Bryant

